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CIA nominee cautions on covert acts

Must heed law and keep Congress informed, Webster says

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WASHINGTON — FBI Director William H. Webster, President Reagan's choice to head central intelligence, pointedly asserted yesterday that any CIA chief should "adhere to the rule of law" and spurn secret operations that flout the agency's charter.

In a chat with reporters after meeting with the President at the White House, Webster avoided any direct criticism of the role that his predecessor, retired CIA Director William J. Casey, played in facilitating U.S. arms shipments to Nicaraguan rebels — an activity that some critics say was illegal at the time because of a congressional ban on aid to the rebels.

But Webster made it clear that he would resist any order or impulse to involve the CIA in covert activities that violated such a ban. And he said he believes that Congress should "be informed just as soon and just as fully as is possible within the constraints of national security" about covert activities.

On both counts, independent and congressional investigators have said that Reagan and his top national security advisers and operatives, including CIA officials, failed to abide by the rules for managing covert operations.

Webster met with Reagan for the first time since being asked by the president to take the CIA post. After the meeting, Webster spent several minutes with reporters and said he "wanted to take advantage of the lessons learned" from the mistakes made in the Iran-contra affair.

Noting that on Tuesday Reagan had instructed his National Security Council subordinates to abide by the rules, Webster said, "I think the President's remarks to the National Security Council staff about adherence to the rule of law, both nationally and internationally, is a very important principle."

On Capitol Hill, Webster's nomination was greeted yesterday with enthusiasm by lawmakers who generally predicted quick approval of his appointment.

Senate Intelligence Committee vice chairman William S. Cohen (R., Maine) said he hoped the panel could start Webster's confirmation hearings next week and get the nomination to the Senate floor before the middle of the month.

Among candidates mentioned as the possible successor to Webster at the FBI were U.S. District Judge D. Lowell Jensen of San Francisco and U.S. Attorney Rudolph Giuliani of Manhattan.

Webster told reporters that past political ties to the administration should not automatically disqualify a person from the post, which carries a statutory 10-year term. "I don't think you should rule out someone simply because they have been in a government position or association with the attorney general in an official capacity," he said.

Attorney General Edwin Meese 3d, in an appearance before the Senate Judiciary Committee yesterday, said that a successor should not be chosen on the basis of political connections to the Reagan administration.

"That definitely is not the way the FBI director should be selected," Meese said.

Meese met yesterday with independent counsel Lawrence E. Walsh and agreed to seek dismissal of a lawsuit that is threatening to derail Walsh's investigation of the Iran-contra affair. The suit, filed by Lt. Col. Oliver L. North, contends that the law governing the appointment of a special counsel is unconstitutional because it violates the separation of powers doctrine by turning over executive-branch powers to the judiciary.

Meese will join Walsh's motion for dismissal but will do so only on narrow legal grounds, said Justice Department sources. That would leave open the possibility the Justice Department could raise questions later about the constitutionality of the 1978 Ethics in Government Act under which Walsh was appointed.

The department has not sought dismissal of a similar lawsuit filed by former White House aide Michael K. Deaver. Another independent prosecutor is investigating Deaver's lobbying activities after he left the White House.

Sen. Howard M. Metzenbaum (D., Ohio), a committee member, told Meese, "If at this point the attorney general of the United States isn't in the courtroom defending the constitutionality, the perception of the American people is going to be devastating to the administration."

The attorney general told Sen. Arlen Specter (R., Pa.) that regardless of questions of constitutionality, he wants to ensure that independent counsels "go forward in their various matters" while preserving "the fruits of their labors." Specter said the best way to ensure that end is to "stick with the current law" and support its constitutionality.

However, Meese said one option would be for the Justice Department itself to appoint the independent counsels.

Meanwhile, former Secretary of State Edmund S. Muskie said yesterday that the Tower commission had suspicions but no proof that Iranian officials received kickbacks from the sale of U.S. arms to Tehran.

Muskie, a member of the three-man Tower commission, said the panel had stated no such conclusions because "you don't state them as facts until you can prove them, especially in a document supposed to be authoritative."

But he said someone in the arms industry — whom he did not identify — had told him about the payoffs. At least \$20 million is believed to be missing.

The commission's report on the Iran-contra affair, released last week, contained documents in which Michael Ledeen, a former consultant to the National Security Council, told an unnamed CIA official about possible kickbacks. P

After a meeting with Ledeen in December 1985, the chief of the CIA's Iran desk wrote, "Ledeen noted they had purposely overcharged the Iranians and had used around \$200,000 of these funds to support subject's political contacts inside Iran." The "subject" referred to Manucher Ghorbanifar, the Iranian middleman in the weapons sales during 1985 and 1986.

Clark McFadden, the Tower commission's chief counsel, said in an interview with the San Francisco Examiner that Ghorbanifar "had to grease the way somehow. That's what you would anticipate: that he used the money for other purposes in Iran."

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A Senate Intelligence Committee source told the Examiner that pay-offs to Iranian officials totaled \$6 million, and the paper quoted an Iranian journalist in London, Ali Reza Norizadeh, as saying money went to Hashemi Rafsanjani, the speaker of the Iranian Parliament.

On Jan. 27, a man calling himself Mehdi Bahremani Rafsanjani and purporting to be the 25-year-old son of Rafsanjani, said he planned to return to the United States \$5.8 million of the \$6 million he said he made from secret arms sales.

The man's statements, made at a press conference in a hotel in Santa Monica, Calif., could not be independently confirmed. The younger Rafsanjani reportedly disappeared from Brussels, Belgium, in late December, and was headed for Canada.